

IV. Amendments to the Drawings

The drawings were corrected per Paragraph 2, 3, and 4 of the Office Action as follows:

As the Examiner correctly noted in paragraph 2 of the Office Action, the references to item "48" on page 7, item "72" at the bottom of page 8, and item "74" on page 9 were not separately illustrated in the Drawings. These items numbers were used to describe a second punch, tip (non-circular cutting surface), bore and spring assembly in the Specification. Because the second punch, tip, bore and spring assembly is identical to a first punch, tip, bore and spring assembly that is clearly illustrated via FIGs. 1, 3 and 4, the Applicant elected to remove the reference to item "48" on page 7, the reference to item "72" at the bottom of page 8, and the reference to item "74" on page 9 rather than add an additional cut-away figure.

In response to paragraph 3 of the Office Action, the reference to item "50" was changed to item "49" in FIGS. 1, 3 and 4. Items "30" and "14" of FIG. 1 were also added to FIG. 3 to further clarify the FIG.

In response to paragraph 4 of the Office Action, the top handle was drawn in ghost form.

Additionally, all of the Drawings were redrawn as formal drawings and labeled at the top as Replacement Sheets.

V. Remarks/Arguments

This Amendment is in response to the Office Action mailed September 1, 2005. In the Office Action, a shortened statutory period of three (3) months was specified so that the due date for the response is on or before December 1, 2005. A short review of the status of the claims is appropriate. The application was filed with claims 1- 26. The Examiner requested an election between “patentably distinct species of the claimed invention”. In response on July 19, 2005, the Applicant made a provisional election directed to Figures 1- 8 and existing claims 1-13.

Claims 1-9 were rejected under 35 U.S.C. 102(b) as being anticipated by Rall (U.S. Patent No. 5,611,254). Claims 10-13 were rejected under 103(a) as being unpatentable over Rall in view of Yerkes (U.S. Patent No. 2,524,582).

In response to examiner’s rejection under 35 U.S.C. 102(b) of claims 1-9, Applicant respectfully notes that unlike Rall where a multiple hole punch is illustrated and described to retain four corners of a flat article, applicant discloses and claims a *dual hole punch with two bores having non-circular cutting surfaces*. Further, Rall claims said plate means having at least three different apertures at at least three different distances from said abutment. When construing “said plate means having at least three different apertures” one has only to look in the Detailed Description and Figures to note that “said plate means” in the context of the Rall patents refers to a plate preferable having four apertures to capture the four corner of the flat article, or at least three apertures as stated in the claim language of Rall; not a *first and second bore* as is claimed in the instant case. Further, there is nothing within the four corners of Rall that discloses or claims the use of dual holes.

In addition, Rall discloses a multiple hole paper punch ... for punching holes ... to form corners pockets to receive and maintain a flat article. The flat article may be one of any number of articles including a business card, a floppy disc, etc. As a result, Rall does not disclose or claim specific relational dimensions between the punches. In other words, Rall does not express or suggest an appreciation for the dimensional relationship between the dual punches required to create perforations accommodating the standard two-prong fastener disclosed in the instant invention. For the same reasons, Claims 2-9 depending from Claim 1 are not anticipated by Rall. Accordingly, Applicant respectfully submits that claim 1 is not anticipated by Rall.

In response to Examiner's rejection under 103(a) of claims 10-13, Applicant respectfully notes that although many of the features of the instant invention are disclosed in the combination of Rall and Yerkes, there is no suggestion or motivation, either alone or in combination, to combine them to form the instant invention. Further, Claims 10-13 depend from amended Claim 1 which Applicant believes is clearly novel in light of Rall.

Office Action paragraph 1

In response to Examiner's request, Applicant affirmed election of Species A including claims 1-13 and Figures 1-8.

Office Action paragraph 2

In response to Examiner's objection as failing to comply with 37 CFR 1.84(p)(5), the Applicant removed the reference numbers associated with items "48", "72" and "74".

Office Action paragraph 3

In response to Examiner's objection as failing to comply with 37 CFR 1.84(p)(4),

reference character 50 has been changed to reference character 49 to designate the “first die”, both in the text of the Specification and in Figures 1, 3 and 4.

Office Action paragraph 4

In response to Examiner’s objection, Figure 4 has been modified to show the top handle in a hidden/ghost form.

Office Action paragraph 5

The quotation and Examiner’s statement is noted and no further response is necessary.

Office Action paragraph 6

Claims 1-9 were rejected under 35 U.S.C. 102(b) as being anticipated by Rall (U.S. Patent No. 5,611,254). Claim 1 has been modified to include that the two non-circular holes are adapted to receive a two-prong fastener. Accordingly, applicant respectfully submits that independent Claim 1 and dependant Claims 2-8 are now allowable.

Office Action paragraph 7

The quotation and Examiner’s statement is noted and no further response is necessary.

Office Action paragraph 8

Claims 10-13 were rejected under 103(a) as being unpatentable over Rall in view of Yerkes (U.S. Patent No. 2,524,582). Applicant respectfully notes that there is no suggestion or motivation, either alone or in combination, to combine Rall and Yerkes to form the instant invention.

Office Action paragraph 9

The Examiner’s statement is noted and no further response is necessary.

IV. Conclusion

Claims 1 and 10 have been amended. Claims 14-26 have been withdrawn as a result of an earlier restriction requirement. New claims 27-30 have been added to further claim the invention. New independent claim 27 specifies *exactly two punches*, new independent claim 28 specifies that the punches are *in line*, new independent claim 29 is a method claim directed to use of the dual hole punch, and new dependant claim 30 further defines the method. It is respectfully submitted that claims 1-13 and 27-30 are allowable. Accordingly, further and favorable reconsideration by the examiner is therefore urged. With the foregoing in mind, applicant respectfully requests that the Examiner place the present application in condition for allowance.

Should the Examiner be of the opinion that further amendments or response is required, Applicants encourage the Examiner to contact the undersigned attorney at the telephone number set forth below.

Regards,



Cynthia L. Smith
C. Smith & Associates
Ste. #1905
Chicago, Illinois 60611
(773) 562-5438 (Telephone)
(312) 984-0146 (Facsimile)
Registration No. 53,608

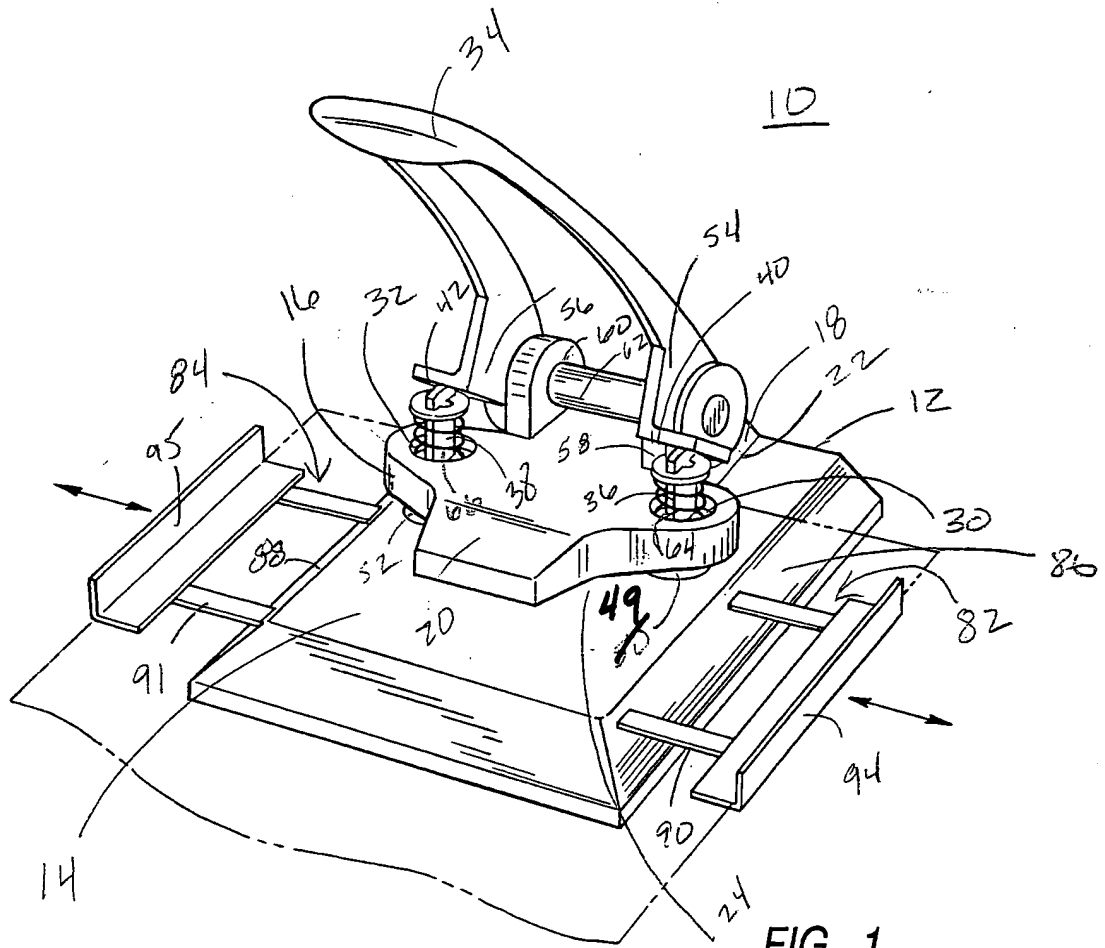


FIG. 1

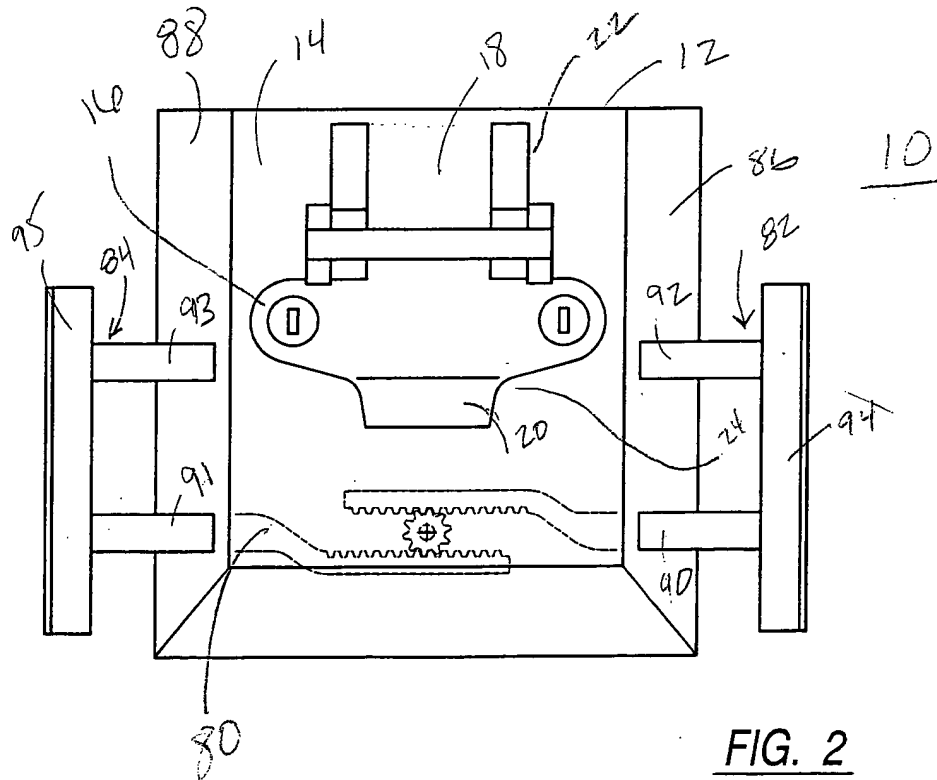
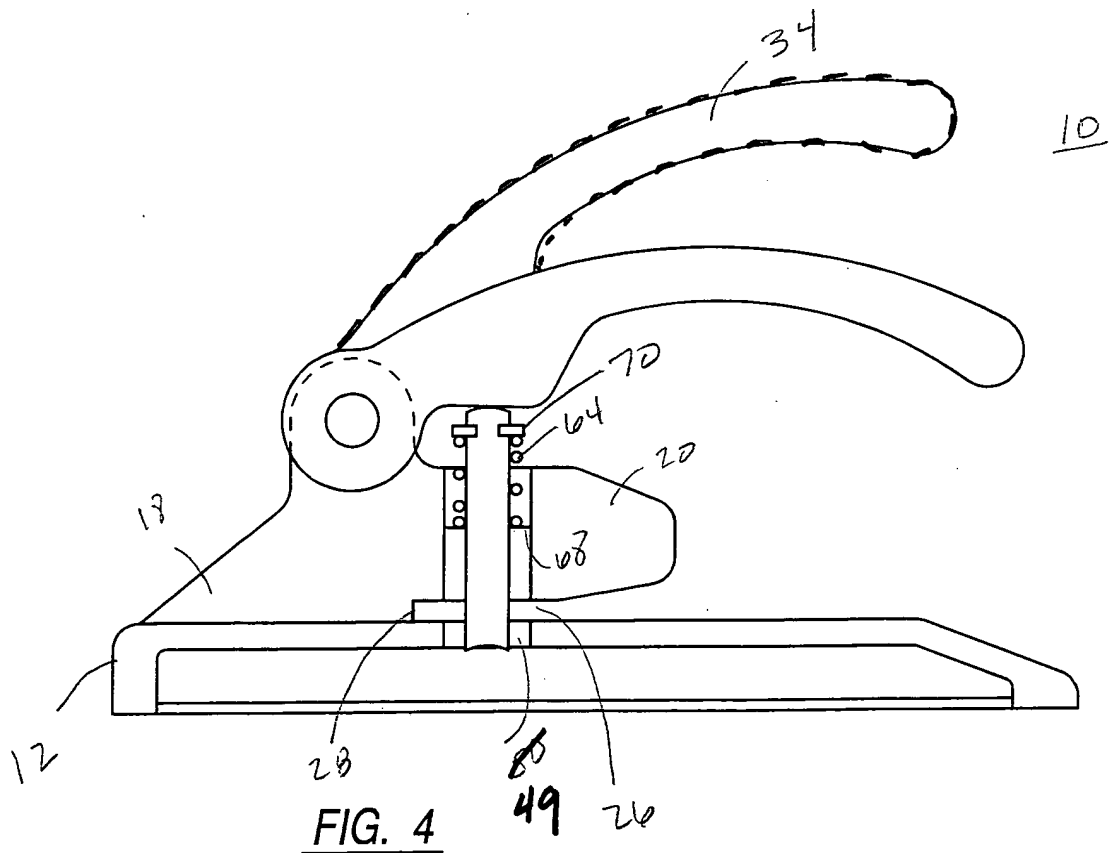
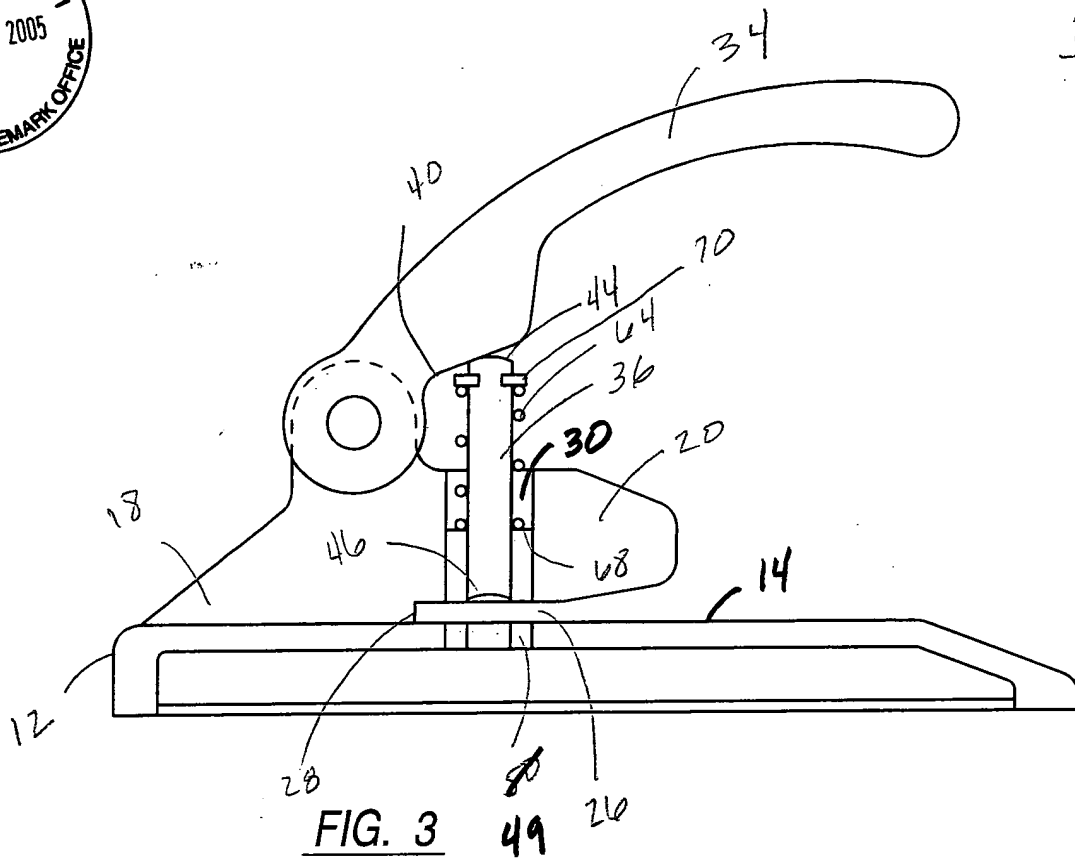


FIG. 2

10



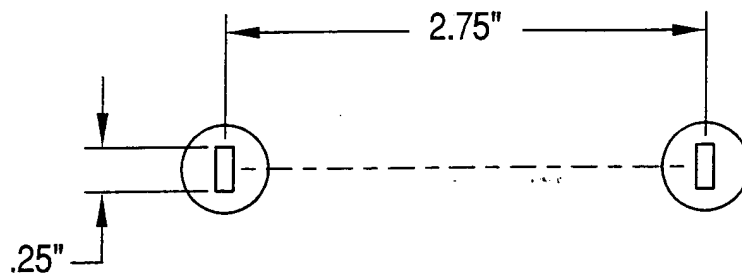


FIG. 5

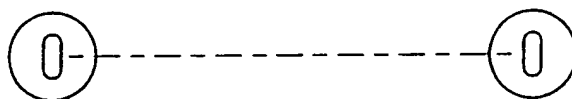


FIG. 6

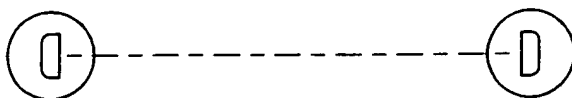


FIG. 7

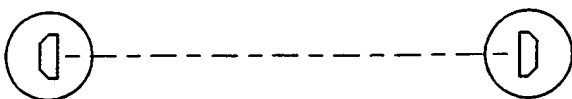


FIG. 8

